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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Aronson et al.

Confirmation No.: 1626

Serial No.: 10/713,752

Art Unit: 2633

Filed: November 13, 2003

Examiner: Leung, Christina Y.

For: *System and Method for Protecting Eye
Safety During Operation of a Fiber Optic
Transceiver*

Attorney Docket No.: 060900-0208-US

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, **Finisar Corporation**, the assignee of the entire 100% right, title and interest in and to the above identified application by virtue of an assignment which was recorded on October 8, 2002 at 13384, frame 0636.

Petitioner hereby disclaims the terminal part of any patent granted on the instant application which would extend beyond the expiration date of the patent that ultimately issues from U.S. Patent Application No. 10/266,869, filed on October 8, 2002, and hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the patents that issue from U.S. Patent Application No. 10/266,869.

Petitioner further agrees that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

Petitioner does not disclaim any terminal part of any patent granted on the instant application prior to the expiration date of the full statutory term of the patents that ultimately issue from U.S. Patent Application No. 10/266,869, in the event that said patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

Petitioner hereby confirms that he has reviewed the assignment and, to the best of his knowledge and belief, title is in the assignee seeking to take action in this matter and that he is empowered to act on behalf of **Finisar Corporation**.

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The undersigned is empowered to act on behalf of and as a representative of **Finisar Corporation**. The undersigned is the attorney of record representing the assignee of the applicant and has no other interest or business interest in the assignee, **Finisar Corporation**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 19th day of November, 2004.

By: _____



Gary S. Williams (Reg. No. 31,066)
Attorney of Record for Assignee, Finisar Corporation.